

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

DARREN BROWNLEE,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. _____
)	
KYOCERA SGS PRECISION)	
TOOLS, INC.,)	
)	
Defendant.)	

COMPLAINT WITH JURY TRIAL REQUEST

The Plaintiff, Darren Brownlee (“Plaintiff” or “Brownlee”), in person and by counsel, Robert Owen Vegeler of the Vegeler Law Office LLC, hereby files his Complaint against Defendant, Kyocera SGS Precision Tools, Inc. (“Kyocera SGS” or “Defendant”), and alleges as follows:

DISCRIMINATION AND RETALIATION

1. This is a Complaint for unlawful race discrimination [black] under Title VII of the Civil Rights Act of 1964, as Amended; 42 U.S.C. § 1981 (“§1981”) and age discrimination under the Age Discrimination in Employment Act of 1967, as Amended; 29 U.S.C. § 621.
2. Brownlee is an adult, African-American/black male who resides in Allen County, Indiana. Brownlee’s date of birth is July 19, 1968.
3. Kyocera SGS is a for-profit foreign corporation with its place of business at 724 E. Swihart Street, Columbia City, Whitley County, Indiana. Kyocera SGS employs 15 or more employees in each and every calendar year and engages in interstate commerce and is subject to

the jurisdiction of the provisions of Title VII, § 1981; and the Age Discrimination in Employment Act of 1967 (“ADEA”).

4. That on or about February 18, 2020, Brownlee filed a Charge of Discrimination against Kyocera SGS with the EEOC office in Indianapolis (“EEOC”) [Exhibit A] alleging race and age discrimination.

5. Plaintiff was not hired February 8, 2020 and filed Charges of Discrimination against Kyocera SGS on February 18, 2020.

6. The EEOC issued a Notice of Suit Rights on September 17, 2020 [Exhibit B]. This Complaint is timely filed.

7. Brownlee alleges as follows:

a. He is a qualified black individual over the age of forty (DOB 7/19/1968), who applied for a CNC Machinist position with Kyocera SGS. He utilized Spherion Staffing (“Spherion”) to apply for the position with Kyocera SGS. Rosa I/n/u of Spherion called Plaintiff and was excited because of a position that just became available and mentioned Plaintiff would be a great fit for this start-up company. Plaintiff took an assessment test of Plaintiff’s machining knowledge and scored an 89, and met all of SGS position requirements. Plaintiff’s score was superior and experience exemplary involving past qualifying work on all machining tools for more than 20 years. However, he was denied an interview. Rosa contacted Kyocera SGS concerning his denial because he met the requirements for the position. Kyocera SGS’s hiring manager informed Rosa they were

looking in a different direction first alleging Plaintiff did not live in the area. Rosa corrected this misconception by informing him Plaintiff did live in the area, and he met all of the qualifications of open position. Kyocera SGS still refused Plaintiff an opportunity to interview for the position.

- b. Rosa stated the hiring manager for KYOCERA informed her upon viewing my Facebook page, he was no longer interested in interviewing me for the position.
- c. Plaintiff's Facebook page is general and has no misleading or inappropriate content. The conclusion Rosa and Plaintiff had is that the hiring manager noticed my race (black) and age (over 40 years) and as a result was no longer interested in interviewing me for the position.
- d. After submitting Plaintiff's record of experience along with his testing score Rosa had reached out to Plaintiff and informed him they were not interested and she did not understand why. Plaintiff asked, "what were their reasons?" She went into her notes and found the conversation of the hiring manager mentioning he went to my Facebook account. She then mentioned she said to him Plaintiff would be a great fit. She mentioned his response then was he was going to seek others.
- e. The hiring manager also stated they needed a different skill set but Plaintiff believes he was qualified for every aspect of job.

8. As a direct and proximate cause of these unlawful acts, the Plaintiff alleges that he has been discriminated against on the basis of African-American [black] and age.

9. Brownlee was subjected to and has experienced loss of a job and job-related benefits and income, loss of his chosen career opportunities, mental stress, embarrassment, humiliation and other damages and injuries yet to be determined.

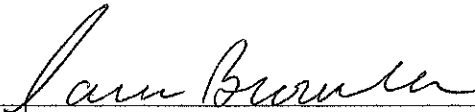
10. The actions of Kyocera SGS were intentional and knowing entitling the Plaintiff to punitive damages.

11. The Plaintiff has had to hire an attorney to represent him in this cause of action and seeks attorney's fees under 42 U.S.C. § 1988, Title VII and ADEA.

12. The Court has jurisdiction pursuant to Federal Rule of Civil Procedure § 1331 with federal question jurisdiction.

13. The Plaintiff seeks monetary damages in the form of wage loss, back pay and front pay, loss of benefits, compensatory damages, punitive damages and non-monetary damages and/or injunctive relief in the form of a suitable employment position with the Defendant.

WHEREFORE, the Plaintiff, Darren Brownlee, in person and by counsel, requests a judgment against Kyocera SGS Precision Tools, Inc. for compensable damages in a reasonable amount, punitive damages, reasonable attorney fees, costs, equitable and injunctive relief and all other proper relief.



Darren Brownlee, Plaintiff

REQUEST FOR TRIAL BY JURY

Plaintiff requests that the above matter be tried to a jury pursuant to F.R.C.P. Rule 38.

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